



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

MAR 18 2009

**FEDERAL EXPRESS**

Michael Castor, President  
Eastern Plating Co., Inc.  
1200 South Baylis Street  
Baltimore, MD 21224

Re: **Request to Show Cause**

Dear Mr. Castor:

This letter is a follow-up to a December 11, 2007 Compliance Evaluation Inspection (the "December 11, 2007 Inspection" or "December 11, 2007 CEI") of your facilities at 7803 Pulaski Highway, Baltimore, Maryland (the "Pulaski Facility") and 1200 South Baylis Street, Baltimore, Maryland (the "Baylis Facility") by inspectors from both the U.S. Environmental Protection Agency ("EPA") and the Maryland Department of the Environment ("MDE") and subsequent correspondence between EPA and Eastern Plating Co., Inc. ("Eastern Plating") about enforcement issues related to this inspection, to determine compliance with the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6901, *et seq.*, the federal hazardous waste regulations set forth at 40 C.F.R. Parts 260-266, 268 and 270-273, and the authorized Maryland Hazardous Waste Management Regulations ("MdHWMR").

EPA sent Eastern Plating a request for information pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a), on February 4, 2008 (IRR #C08-009) concerning the Pulaski and Baylis facilities and followed up with additional questions in emails dated April 3, 2008, May 8, 2008, May 12, 2008, July 8, 2008, July 9, 2008, and July 10, 2008. Eastern Plating responded to these requests in letters dated March 17, 2008 and April 28, 2008, and emails dated May 19, 2008, July 8, 2008, July 9, 2008, and July 11, 2008.

Section 3008(a) of RCRA authorizes EPA to take enforcement action whenever it is determined that a person is in violation of any requirement of RCRA Subtitle C, EPA's regulations thereunder, or any regulation of a state hazardous waste program which has been authorized by EPA. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes the assessment of a civil penalty against any person who violates any requirement of Subtitle C of RCRA.

On February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, the State of Maryland was granted final authorization to administer its hazardous waste management program set forth at the Code of Maryland Regulations ("COMAR"), Title 10, Subtitle 51 *et seq.*, in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. Through this final authorization, the provisions of the MdHWMR ("Original Authorized Program")

became requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA on and after that date pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). A revised Maryland hazardous waste management program set forth at COMAR, Title 26, Subtitle 13 ("Revised Authorized Program") was authorized by EPA on July 31, 2001, and, accordingly, the provisions of the Revised Authorized Program are enforceable by EPA on and after that date pursuant to §3008(a) of RCRA, 42 U.S.C. § 6928(a).

Based upon the information gathered by the Agency, EPA believes there is a sufficient basis for the issuance of an Administrative Complaint to Eastern Plating seeking the assessment of a civil penalty and containing a Compliance Order requiring Eastern Plating to comply with RCRA. Prior to issuing an Administrative Complaint, EPA is providing Eastern Plating with the opportunity to confer with EPA to show cause as to any reasons why an Administrative Complaint should not be issued for the violations identified below. EPA is also inviting Eastern Plating to meet with EPA in person or by conference call to discuss the possibility of entering into a settlement of the violations with the Agency without litigation.

EPA has identified the following possible RCRA violations at your Facilities:

#### **Pulaski Facility Violations**

Violation 1: Owning and/or Operating a Hazardous Waste Treatment, Storage or Disposal Facility Without a Permit or Interim Status as Required by COMAR 26.13.07.01A, and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e)

Eastern Plating violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, by operating a hazardous waste treatment, storage or disposal ("TSD") facility without a permit or interim status. Although the MdHWMR contain an exemption from the permitting requirements for the temporary storage (90 days or less) of hazardous waste generated by the facility, Eastern Plating's storage of hazardous waste at the Pulaski Facility failed to comply with, *inter alia*, the labeling and dating requirements of the exemption set forth in COMAR 26.13.03.05(E)(1). Moreover, much of this hazardous waste was also generated at an off-site facility and, hence, does not qualify for this permit exemption for the time periods at issue in this Show Cause letter.

In addition, COMAR 26.13.03.05E(3) of the MdHWMR contains an additional exemption from the permitting requirements for the satellite accumulation of as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste in containers at or near the point of generation provided that the generator complies with COMAR 26.13.05.09B – D and marks the container with the words "Hazardous Waste" or with any other words identifying the contents. However, Eastern Plating also failed to qualify with the satellite accumulation requirements at its Pulaski Facility for any of the following hazardous wastes for the reasons set forth.

Based on the results of the December 11, 2007 CEI of the Pulaski Facility and follow-up correspondence with Eastern Plating, EPA has determined, *inter alia*, that:

- A. Between September 30, 2006 and November 13, 2007, the Pulaski Facility received ten 55-gallon drums of spent ("dirty") methyl ethyl ketone ("MEK") hazardous waste in nine separate shipments from Eastern Plating's Baylis Facility;
- B. Eastern Plating has advised EPA that it believes the ten drums of Spent MEK hazardous waste noted above in "A" were stored at the Pulaski Facility for an average of from two to six weeks;
- C. At the time of the December 11, 2007 CEI of the Pulaski Facility, six full or half-full 55-gallon drums of spent MEK hazardous waste were being stored on site;
- D. None of the six drums of Spent MEK hazardous waste observed during the December 11, 2007 CEI (noted in "C" above) were marked with accumulation start dates and/or the words "Hazardous Waste" or other words to identify the contents of the drums, both of which are required in order to qualify for the permit exemption of COMAR 26.13.03.05(E);
- E. One of the six drums of Spent MEK hazardous waste observed during the December 11, 2007 CEI (noted in "C" above) was generated at Eastern Plating's Baylis Facility and, therefore, does not qualify for the permit exemption of COMAR 26.13.03.05(E); and
- F. At the time of the December 11, 2007 CEI of the Pulaski Facility, the following additional hazardous wastes generated at the Pulaski Facility were being stored at the Pulaski Facility in containers that did not include accumulation start dates and/or the words "Hazardous Waste" or other words to identify the contents of the containers, both of which are required in order to qualify for the permit exemption of COMAR 26.13.03.05(E)(1), or, in the case of possible satellite accumulation wastes, failed to include the words "Hazardous Waste" or other words to identify the contents of the containers as required in order to qualify for the permit exemption of COMAR 26.13.03.05(E)(3):
  - i. Used rags contaminated with spent MEK; and
  - ii. MEK Still bottoms.

From at least September 30, 2006 though at least December 11, 2007, Eastern Plating owned and/or operated a hazardous waste storage facility, the Pulaski Facility, without a permit or interim status.

Violation 2: Failure to Keep Containers of Hazardous Waste Closed During Storage as Required by COMAR 26.13.05.09D

During the December 11, 2007 CEI of the Pulaski Facility, the EPA inspector observed one 55-gallon drum containing spent MEK with a hand pump in the bung was not closed.

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Eastern Plating violated COMAR 26.13.05.09D which requires containers of hazardous waste be closed during storage except when necessary to add or remove waste.

**Violation 3: Failure to Conduct Weekly Inspections of the Areas where Hazardous Waste is Stored as Required by COMAR 26.13.05.09E**

COMAR 26.13.05.09E requires the owner or operator of a hazardous waste facility to conduct weekly inspections of areas where containers of hazardous waste are located. COMAR 26.13.05.02F(4) requires the owner or operator of a hazardous waste facility to maintain a log of such weekly inspections for at least three years from the date of the inspection. Based on a review of the Pulsaki Facility's hazardous waste manifests and other documentation, the Facility has stored and/or treated hazardous waste at this facility during calendar years 2004, 2005, 2006 and 2007.

During the December 11, 2007 CEI of the Pulaski Facility, the EPA inspector requested copies of the inspection logs of the company's weekly inspections of the Pulaski Facility's hazardous waste containers that are required to be maintained by COMAR 26.13.05.02F(4). Facility personnel were unable to provide such inspection logs at the time of the inspection but were able to provide inspection logs to EPA in subsequent correspondence. The logs contained records of inspections conducted once a month from June 2007 through January 2008 and not once a week as required by the regulation. EPA had requested such documentation from February 1, 2003 through May 31, 2008. EPA has concluded that Eastern Plating failed to do weekly inspections of the areas storing containers of hazardous wastes from at least December 11, 2004 through at least January 31, 2008 (i.e., at least three years prior to the December 11, 2007 CEI Pulaski Inspection), in violation of COMAR 26.13.05.09E.

**Violation 4: Failure to Provide Hazardous Waste Training as Required by COMAR 26.13.05.02G**

COMAR 26.13.05.02G requires the owner or operator of a hazardous waste facility to provide initial and annual training to each person employed in a position related to hazardous waste management. Based on a review of the Pulsaki Facility's hazardous waste manifests and other documentation, the Facility has stored and/or treated hazardous waste at this facility during calendar years 2004, 2005, 2006 and 2007. Therefore, the hazardous waste training requirements are applicable for each of these years. Although Eastern Plating has provided certain information related to hazardous waste training, the information is incomplete. More specifically, the hazardous waste training violations include:

- A. Failure to provide employees in positions related to hazardous waste management with initial classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the hazardous waste requirements of COMAR 26.13.05.02G(1)(a); and
- B. Failure to provide annual hazardous waste refresher training for employees responsible for the management of hazardous waste as required by COMAR 26.13.05.02G(3).

**Violation 5: Failure to Prepare and Maintain Hazardous Waste Training Records as Required by COMAR 26.13.05.02G(4)**

COMAR 26.13.05.02G(4) requires the owner and operator of a hazardous waste facility to maintain records which document that the training or job experience required to be given to, and completed by, facility personnel who do hazardous waste management, the job titles of such positions and the names of the employees performing such tasks. Based on the results of the December 11, 2007 CEI of the Pulaski Facility and follow-up correspondence with Eastern Plating, EPA has determined that Eastern Plating has failed to maintain such records. More specifically, the hazardous waste training record-keeping violations include:

- A. Failure to maintain records which include the documented job title and written job description for each position related to hazardous waste management, and the name of each employee assigned to each job as required by COMAR 26.13.05.02G(4)(a) and (b);
- B. Failure to maintain a written description of the type and amount of both introductory and continuing training that will be given to each person assigned to a position related to hazardous waste management as required by COMAR 26.13.05.02G(4)(c); and
- C. Failure to maintain records which document that the training or job experience has been given to, and completed by, Pulaski Facility personnel as required by COMAR 26.13.05.02G(4)(d).

**Violation 6: Failure to Prepare and Maintain Land Disposal Restriction Forms as Required by 40 C.F.R. § 268.7(a).**

Since the authorized MdHWMR do not contain such a requirement, the federal hazardous waste regulations remain applicable. 40 C.F.R. § 268.7(a)(1) requires a generator of hazardous waste to determine if the waste must be treated before it can be land disposed. If the waste does not meet the applicable treatment standards or if the generator chooses not to make the determination whether the waste must be treated, the generator must send with the initial shipment of waste to each treatment or storage facility a one-time written notice setting forth the various Generator Paperwork Requirements Table requirements ("LDR Form"). The generator must also maintain a copy of each LDR Form. Based on the results of the December 11, 2007 CEI of the Pulaski Facility and follow-up correspondence with Eastern Plating, EPA has determined that Eastern Plating failed to prepare, provide and/or maintain one-time LDR Forms for spent MEK sent to Environmental Enterprises in 2005 and 2006.

**Violation 7: Failure to Make a Hazardous Waste Determination as Required by COMAR 26.13.03.02**

COMAR 26.13.03.02 requires a person who generates a solid waste to determine whether it is a hazardous waste using one of the methods set forth in COMAR 26.13.03.02A. Based on the results of the December 11, 2007 CEI of the Pulaski Facility and follow-up correspondence with Eastern Plating, EPA has determined that Eastern Plating failed to make a hazardous waste determination for the following waste streams:

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- A. Used lamps;
- B. Aerosol containers;
- C. Used rags contaminated with spent MEK;
- D. Cotton swabs and brushes contaminated with spent MEK; and MEK Still bottoms.

Violation 8: Offering Hazardous Waste to a Transporter or TSD Facility which has not Received an EPA Identification Number in Violation of COMAR 26.13.03.03C

COMAR 26.13.03.03C prohibits a generator of hazardous waste from offering such waste to transporters and TSD facilities that have not received an EPA Identification Number from MDE. Based on the results of the December 11, 2007 CEI of the Pulaski Facility and follow-up correspondence with Eastern Plating, EPA has determined that Eastern Plating placed the hazardous wastes listed in Violation #7, above, into the municipal trash which was subsequently disposed of in an unpermitted TSD. Therefore, when Eastern Plating disposed of these hazardous wastes from its Pulaski Facility, it violated COMAR 26.13.03.03C.

#### **Baylis Facility Violations**

Violation 9: Owning and/or Operating a Hazardous Waste Treatment, Storage or Disposal Facility Without a Permit or Interim Status as Required by COMAR 26.13.07.01A, and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e)

Eastern Plating violated Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and COMAR 26.13.07.01A, by operating a hazardous waste TSD facility without a permit or interim status. Although the MdHWMR contain an exemption from the permitting requirements for the temporary storage (90 days or less) of hazardous waste, Eastern Plating's storage of hazardous waste at the Baylis Facility failed to comply with, *inter alia*, the labeling, dating and/or temporary storage requirements of the exemption set forth in COMAR 26.13.03.05(E)(1).

In addition, COMAR 26.13.03.05E(3) of the MdHWMR contains an additional exemption from the permitting requirements for the satellite accumulation of as much as 55 gallons of hazardous waste or 1 quart of acutely hazardous waste in containers at or near the point of generation provided that the generator complies with COMAR 26.13.05.09B – D and marks the container with the words "Hazardous Waste" or with any other words identifying the contents. However, Eastern Plating also failed to qualify with the satellite accumulation requirements at its Baylis Facility for any of the following hazardous wastes for the reasons set forth.

Based on the results of the December 11, 2007 CEI of the Baylis Facility and follow-up correspondence with Eastern Plating, EPA has determined that, *inter alia*, that the following drums and containers were being stored at the Baylis Facility for more than 90 days and/or did not include accumulation start dates and/or were not labeled "Hazardous Waste" or with any

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other words identifying the contents, or otherwise did not comply with the satellite accumulation requirements of COMAR 26.13.03.05E(3) in the case of possible satellite accumulation of hazardous waste:

- A. Four 55-gallon drums of chromic acid (D007) were stored on site for more than 90 days and were not labeled "Hazardous Waste" or with any other words identifying the contents (two drums had accumulation start dates of December 7, 2007, a third was marked October 30, 2007, and the fourth was marked November 11, 2007; all were shipped off-site on March 14, 2008);
- B. One overpack container of caustic sludge (D002) was stored on site for more than 90 days and was not labeled "Hazardous Waste" or with any other words identifying the contents (accumulation date of May 12, 2006 and shipped off-site on April 3, 2008);
- C. Six 55-gallon drums of spent MEK (D001, F005) were stored on site for more than 90 days (shipped off-site on September 26, 2006; prior shipment of March 23, 2006 indicates seven months storage of hazardous waste);
- D. Three 55-gallon drums of spent MEK (D001, F005) were stored on site for more than 90 days (accumulation dates of October 25, 2007, December 28, 2007, and February 29, 2008, and shipped off-site on June 3, 2008);
- E. One 55-gallon drum 1/4 filled with spent MEK waste ("lacquer saturated MEK") with a funnel near the MEK parts cleaners was not labeled "Hazardous Waste" or with any other words identifying the contents and failed to include a waste accumulation start date;
- F. One 55-gallon drum containing spent filters with a hazardous waste code D007 for chromium was not labeled "Hazardous Waste" or with any other words identifying the contents and failed to mark the drum with a waste accumulation start date. In addition, the drum was not closed during the time of inspection as required by COMAR 26.13.05.09D;
- G. At the time of the December 11, 2007 CEI of the Baylis Facility, used rags contaminated with spent MEK were generated and stored at the Baylis Facility in containers that did not include accumulation start dates and/or the words "Hazardous Waste" or other words to identify the contents of the containers, both of which are required in order to qualify for the permit exemption of COMAR 26.13.03.05(E)(1), or, in the case of possible satellite accumulation wastes, failed to include the words "Hazardous Waste" or other words to identify the contents of the containers as required in order to qualify for the permit exemption of COMAR 26.13.03.05(E)(3); and

- H. The Baylis Facility stored the drums and containers referenced above at its Facility between March 26, 2006 through June 3, 2008.

From at least May 12, 2006 through at least June 3, 2008, Eastern Plating owned and/or operated a hazardous waste storage facility, the Baylis Facility, without a permit or interim status.

**Violation 10: Failure to Keep Containers of Hazardous Waste Closed During Storage as Required by COMAR 26.13.05.09D**

During the December 11, 2007 CEI of the Baylis Facility, the EPA inspector noted that a 55-gallon drum containing spent filters with a hazardous waste code D007 for chromium was not closed during the time of inspection. Eastern Plating violated COMAR 26.13.05.09D which requires containers of hazardous waste be closed during storage except when necessary to add or remove waste.

**Violation 11: Failure to Conduct Weekly Inspections of the Areas where Hazardous Waste is Stored as Required by COMAR 26.13.05.09E**

COMAR 26.13.05.09E requires the owner or operator of a hazardous waste facility to conduct weekly inspections of areas where containers of hazardous waste are located. COMAR 26.13.05.02F(4) requires the owner or operator of a hazardous waste facility to maintain a log of such weekly inspections for at least three years from the date of the inspection. Based on a review of the Baylis Facility's hazardous waste manifests and other documentation, the Facility has stored and/or treated hazardous waste at this facility during calendar years 2004, 2005, 2006 and 2007.

During the December 11, 2007 CEI of the Baylis Facility, the EPA inspector requested copies of the inspection logs of the company's weekly inspections of the Baylis Facility's hazardous waste containers that are required to be maintained by COMAR 26.13.05.02F(4). Facility personnel were unable to provide such inspection logs at the time of the inspection but were able to provide inspection logs to EPA in subsequent correspondence. The logs contained records of inspections conducted once a month from June 2007 through January 2008 and not once a week as required by the regulation. EPA had requested such documentation from February 1, 2003 through May 31, 2008. EPA has concluded that Eastern Plating failed to do weekly inspections of the areas storing containers of hazardous wastes from at least December 11, 2004 through at least January 31, 2008 (i.e., at least three years prior to the December 11, 2007 CEI Baylis Inspection), in violation of COMAR 26.13.05.09E.

**Violation 12: Failure to Provide Hazardous Waste Training as Required by COMAR 26.13.05.02G**

COMAR 26.13.05.02G requires the owner or operator of a hazardous waste facility to provide initial and annual training to each person employed in a position related to hazardous waste management. Based on a review of the Baylis Facility's hazardous waste manifests and other documentation, the Facility has treated and/or stored hazardous waste during calendar years 2004, 2005, 2006 and 2007. Therefore, the hazardous waste training requirements are applicable for each of these years. Although Eastern Plating has provided certain information

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related to hazardous waste training, the information is incomplete. More specifically, the hazardous waste training violations include:

- A. Failure to provide employees in positions related to hazardous waste management with initial classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the hazardous waste requirements of COMAR 26.13.05.02G(1)(a); and
- B. Failure to provide annual hazardous waste refresher training for employees responsible for the management of hazardous waste as required by COMAR 26.13.05.02G(3).

**Violation 13: Failure to Prepare and Maintain Hazardous Waste Training Records as Required by COMAR 26.13.05.02G(4)**

COMAR 26.13.05.02G(4) requires the owner and operator of a hazardous waste facility to maintain records which document that the training or job experience required to be given to, and completed by, facility personnel who do hazardous waste management, the job titles of such positions and the names of the employees performing such tasks. Based on the results of the December 11, 2007 CEI of the Baylis Facility and follow-up correspondence with Eastern Plating, EPA has determined that Eastern Plating has failed to maintain such records. More specifically, the hazardous waste training record-keeping violations include:

- A. Failure to maintain records which include the documented job title and written job description for each position related to hazardous waste management, and the name of each employee assigned to each job as required by COMAR 26.13.05.02G(4)(a) and (b);
- B. Failure to maintain a written description of the type and amount of both introductory and continuing training that will be given to each person assigned to a position related to hazardous waste management as required by COMAR 26.13.05.02G(4)(c); and
- C. Failure to maintain records which document that the training or job experience has been given to, and completed by, Baylis Facility personnel as required by COMAR 26.13.05.02G(4)(d).

**Violation 14: Failure to Prepare and Maintain Land Disposal Restriction Forms as Required by 40 C.F.R. § 268.7(a).**

Since the authorized MdHWMR do not contain such a requirement, the federal hazardous waste regulations remain applicable. 40 C.F.R. § 268.7(a)(1) requires a generator of hazardous waste to determine if the waste must be treated before it can be land disposed. If the waste does not meet the applicable treatment standards or if the generator chooses not to make the determination whether the waste must be treated, the generator must send with the initial shipment of waste to each treatment or storage facility a one-time written notice setting forth the various Generator Paperwork Requirements Table requirements. The generator must also

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maintain a copy of each LDR Form. Based on the results of the December 11, 2007 CEI of the Baylis Facility and follow-up correspondence with Eastern Plating, EPA has determined that Eastern Plating failed to prepare, provide and /or maintain a one-time LDR Form for spent MEK hazardous waste sent to the Pulaski Facility in 2006 and 2007, one waste stream (spent MEK with codes D001, D035, and F005) sent to Environmental Enterprises in 2005, 2006 and 2007, and four waste streams sent to Cycle Chem (blue dye, D007; chrome rinse, D007; sodium dichromate, D001 and D007; and oil dry, D007) in 2005, 2006, and 2007.

**Violation 15: Failure to Make a Hazardous Waste Determination as Required by COMAR 26.13.03.02**

COMAR 26.13.03.02 requires that a person who generates a solid waste determine whether it is a hazardous waste using one of the methods set forth in COMAR 26.13.03.02A. Based on the results of the December 11, 2007 CEI of the Baylis Facility and follow-up correspondence with Eastern Plating, EPA has determined that Eastern Plating failed to make a hazardous waste determination for the following waste streams:

- A. Used lamps;
- B. Aerosol containers;
- C. Used rags contaminated with spent MEK;
- D. Cotton swabs and brushes contaminated with spent MEK; and
- E. Spent MEK waste.

**Violation 16: Offering Hazardous Waste to Transporters or TSD Facilities which have not Received an EPA Identification Number in Violation of COMAR 26.13.03.03C**

COMAR 26.13.03.03C prohibits a generator of hazardous waste from offering such waste to transporters and TSD facilities that have not been approved by MDE to transport such waste or to treat, store or dispose of such waste. Based on the results of the December 11, 2007 CEI of the Baylis Facility and follow-up correspondence with Eastern Plating, EPA has determined that Eastern Plating placed the hazardous wastes listed in A through D in Violation #15, above, into the municipal trash which subsequently was disposed of in an unpermitted TSD. In addition, EPA has determined that Eastern Plating offered ten drums of spent MEK hazardous waste referenced in E in Violation #15, above, in nine shipments to the Pulaski Facility, between September 30, 2006 and November 13, 2007. When Eastern Plating sent these hazardous wastes for treatment, storage or disposal to the Pulaski Facility, and unpermitted TSD, it violated COMAR 26.13.03.03C.

**Violation 17: Failure to Prepare a Hazardous Waste Manifest for Off-Site Shipments of Hazardous Wastes in Violation of COMAR 26.13.03.04A(1)**

COMAR 26.13.03.04A(1) requires a generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal shall prepare a hazardous waste manifest on EPA Form 8700-22 or its equivalent state form, before the waste is

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transported off-site. Based on the results of the December 11, 2007 CEI of the Baylis Facility and follow-up correspondence with Eastern Plating, EPA has determined that between September 30, 2006 and November 13, 2007, Eastern Plating transported or offered for transport ten drums of spent MEK hazardous waste in nine shipments from the Baylis Facility to the Pulaksi Facility without having prepared an approved hazardous waste manifest for such waste.

### **Request to Show Cause**

EPA has determined that the issuance of an Administrative Complaint seeking assessment of a civil penalty concerning the aforesaid violations and issuance of a Compliance Order requiring compliance with the MdHWMR is the appropriate enforcement response in this matter.

Prior to issuing this Administrative Complaint, however, EPA is providing Eastern Plating the opportunity to confer with the Agency and show cause as to why an Administrative Complaint should not be issued by the Agency in this matter. **EPA is requesting that Eastern Plating contact the Agency within ten (10) calendar days of receipt of this letter to discuss this matter.** This opportunity will be made available at a meeting with EPA in Philadelphia on a mutually convenient date or by telephone conference. To facilitate settlement discussions and to supplement EPA's understanding of the compliance activities taken by Eastern Plating concerning these alleged violations, EPA requests that Eastern Plating submit such additional documentation which may be in its possession or control that identifies any and all measures taken to address the violations identified herein. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Please contact James Heenehan, Senior Assistant Regional Counsel of the Office of Regional Counsel, US EPA Region III at (215) 814-2640, or Jeanna Henry of the RCRA Office of Land Enforcement at (215) 814-2820, to discuss this matter further.

Please be advised, however, if this matter is not resolved within sixty days after your receipt of this letter, EPA may proceed with the issuance of an Administrative Complaint.

If in the course of discussing this matter with the Agency, Eastern Plating intends to submit documents or information to EPA, please be advised that Eastern Plating is entitled to assert a claim of business confidentiality covering any part or all of the information Eastern Plating submits to EPA pursuant to this Request to Show Cause, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the information is submitted to EPA, EPA may make this information available to the public without further notice to Eastern Plating.

Eastern Plating must also include as part of any submission of information or documentation to EPA pursuant to this Request to Show Cause the following certification signed and dated by a responsible corporate officer of your corporation:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this response to Information Request and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining or compiling the information, I believe that the submitted information is true, accurate, and complete. I recognize that there are significant penalties for submitting false and/or misleading information, including the possibility of fine and/or imprisonment."

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Additionally, please find enclosed a document entitled "Information Sheet" concerning Small Business Resources and the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"). This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve Eastern Plating of its obligation to respond in a timely manner to an EPA enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve Eastern Plating's legal rights, Eastern Plating must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



Carol Amend, Associate Director  
Office of Land Enforcement

cc: J. Henry (3LC70)  
James Heenehan (3RC30)

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

MAY 28 1988

Mr. Rick Johnson  
Chief, Hazardous Waste Enforcement Division  
Maryland Department of the Environment  
Montgomery Park Business Center  
1800 Washington Boulevard  
Baltimore, MD 21230

**RE: RCRA Proposed Complaint, Compliance Order and Notice of Opportunity for Hearing**

Dear Mr. Johnson:

The U.S. Environmental Protection Agency Region III is pursuing the issuance of a Complaint, Compliance Order, and Notice of Opportunity for Hearing to Eastern Plating, located in Baltimore, Maryland pursuant to the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984. The Complaint will address violations of RCRA Subtitle C for the following facilities:

- Eastern Plating, 1200 South Baylis Street, Baltimore, Maryland;
- Eastern Plating, 7803 Pulaski Highway, Baltimore, Maryland

I appreciate your cooperation in this matter and look forward to your continued efforts toward a successful enforcement program. Should you have any questions regarding this matter, please contact me at (215) 814-5430 or Stacie Peterson at (215) 814-5173.

Sincerely,

A handwritten signature in cursive script, reading "Carol Amend".

Carol Amend, Chief  
RCRA Compliance and Enforcement Branch



Mr. Rick Johnson  
Chief, Hazardous Waste Enforcement Division  
Maryland Department of the Environment  
Montgomery Park Business Center  
1800 Washington Boulevard  
Baltimore, MD 21230

**RE: RCRA Proposed Complaint, Compliance Order and Notice of Opportunity for Hearing**

Dear Mr. Johnson:

The U.S. Environmental Protection Agency Region III is pursuing the issuance of a Complaint, Compliance Order, and Notice of Opportunity for Hearing to Eastern Plating, located in Baltimore, Maryland pursuant to the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984. The Complaint will address violations of RCRA Subtitle C for the following facilities:

- Eastern Plating, 1200 South Baylis Street, Baltimore, Maryland;
- Eastern Plating, 7803 Pulaski Highway, Baltimore, Maryland

I appreciate your cooperation in this matter and look forward to your continued efforts toward a successful enforcement program. Should you have any questions regarding this matter, please contact me at (215) 814-5430 or Stacie Peterson at (215) 814-5173.

Sincerely,

Carol Amend, Chief  
RCRA Compliance and Enforcement Branch

CONCURRENCES							
SYMBOL	▶ 3WC31	3WC31					
SURNAME	▶ S. Peterson	C. Amend					
DATE	▶ 5/1						

